

## Explanatory Statement

### Civil Aviation Safety Regulations 1998

#### Part 66 Manual of Standards Amendment Instrument 2013 (No. 1)

##### Purpose

The Part 66 Manual of Standards (the *MOS*) provides for adoption of the European Aviation Safety Agency (*EASA*) licence ratings for Australia.

##### Background

The specifications set out in the MOS have been developed to be closely aligned with EASA Part 6.

##### Legislation — the Act

Under subsection 98 (1) of the *Civil Aviation Act 1988* (the *Act*), the Governor-General may make regulations for the Act and in the interests of the safety of air navigation.

##### Legislation — CASR Part 66

Part 66 of the *Civil Aviation Safety Regulations 1998* (*CASR Part 66*), Continuing airworthiness – aircraft engineer licences and ratings, deals with licences and ratings for the performance of maintenance certifications and issuing certificates of release to service for aircraft in relation to maintenance carried out on aircraft.

Under subsection 98 (5A) of the Act, the regulations may empower CASA to issue instruments in relation to the maintenance or airworthiness of aircraft.

Under regulation 66.015 of the *Civil Aviation Safety Regulations 1998* (*CASR 1998*), CASA is empowered to issue a MOS for CASR Part 66, setting out matters affecting the maintenance of aircraft. Under subregulation 66.015 (2) of CASR 1998, the MOS may specify a number of matters.

The MOS makes provision for those matters and includes the use of EASA categories of aircraft maintenance authorities, namely, categories A, B1, B2 and C, and related aircraft type ratings, awarded on the basis of compliance with detailed knowledge and competency training and assessment.

This amending instrument amends the MOS to clarify certain requirements relating to training and practical experience for obtaining ratings and other qualifications, for instance, clarification of the practical training elements required by a licensed aircraft maintenance engineer to obtain a first type rating on a B1 or B2 licence.

The instrument also expressly provides in a new paragraph 66.5 (c) that the term *carry out maintenance* includes, within its normal meaning, the supervision of maintenance as well as the carrying out of the physical tasks of maintenance. This is to make clear the meaning of subsection 20AB (2) of the Act which prohibits the carrying out of maintenance by a person unless it is permitted by or under the regulations.

The instrument also sets out for inclusion in the MOS the units of competency that have to be obtained to remove exclusions from aircraft maintenance engineer licences. It also includes a new provision to allow maintenance organisations approved under regulation 30 of the *Civil Aviation Regulations 1988* to conduct and manage on the job training to assist licensed aircraft maintenance engineers obtain practical experience.

The competency unit numbers in Appendix 4 are also updated to be consistent with changes to the Aeroskills Training Package as issued under the Australian Qualification framework.

The instrument also corrects minor errors and clarifies the meaning of certain provisions.

### **Consultation**

Consultation as required by section 17 of the *Legislative Instruments Act 2003*, section 16 of the Act and regulation 11.280 of CASR 1998 was undertaken as follows. A draft of the MOS amendment was published on the CASA website and on the internet forums of the joint CASA/Industry Standards Consultative Committee (*SCC*), the SCC Certification Standards Sub-committee and the SCC Maintenance Standards Sub-committee for review/comment. No objections to the amendments were received.

### **Office of Best Practice Regulation (OBPR)**

A Regulation Impact Statement was prepared for CASR Part 66 and assessed by OBPR as meeting the Australian Government's Best Practice Regulation requirements. Having been made under CASR Part 66, the same OBPR outcome extends to the MOS and this amending instrument. As described above, the changes are of a minor or machinery nature.

### **Statement of Compatibility with Human Rights**

A Statement of Compatibility with Human Rights is at Attachment 1.

### **Commencement and making**

The amending instrument commences on the day after registration. The instrument has been made by the Acting Director of Aviation Safety, on behalf of CASA, in accordance with subsection 73 (2) of the Act.

[Part 66 Manual of Standards Amendment Instrument (No.1) 2013]

## **Statement of Compatibility with Human Rights**

*Prepared in accordance with Part 3 of the  
Human Rights (Parliamentary Scrutiny) Act 2011*

### **Part 66 Manual of Standards Amendment Instrument 2013 (No. 1)**

This legislative instrument is compatible with the human rights and freedoms recognised or declared in the international instruments listed in section 3 of the *Human Rights (Parliamentary Scrutiny) Act 2011*.

#### **Overview of the legislative instrument**

The legislative instrument amends the Part 66 Manual of Standards to clarify certain requirements relating to training and practical experience for the obtaining of ratings and other qualifications by aircraft maintenance engineers.

#### **Human rights implications**

This legislative instrument does not engage any of the applicable rights or freedoms.

#### **Conclusion**

This legislative instrument is compatible with human rights as it does not raise any human rights issues.

**Civil Aviation Safety Authority**